

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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April 9, 2015

MEMO RE: Nathaniel M. Costley, et al. v. Countrywide Home Loan, et al.
Civil No. JFM-13-2488

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendants' motion to dismiss.

There may be merit to defendants' arguments, particularly relating to the fact that the TILA claims are time-barred. However, I remain concerned about underlying factual questions, such as whether Mr. Costley was told that he could remain resident in his mother's home provided that certain conditions were met and what happened to the proceeds of the second loan. Because it appears that discovery will not be substantially expanded by proceeding with all of plaintiffs' claims at this juncture, defendants' motion to dismiss (document 48) is denied in all respects.

A scheduling conference will be held by telephone on April 16, 2015. I ask counsel for defendant to make the necessary arrangements for the conference call. I would like to explore with you whether an early settlement conference (prior to the conducting of discovery) would be worthwhile. If not, I would propose the following dates for a discovery deadline and summary judgment motions deadline at the conference call. Discovery deadline – September 8, 2015. Summary judgment motions deadline – October 8, 2015. It may be that a settlement conference would be most useful at the conclusion of discovery but, if possible, I would like to reduce the amount of time that plaintiffs' court-appointed counsel must spend on the case.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge